

Entered -07-09- 01 - sb
CL 01L0411 - GWENDOLYN BURNS

CLAIM OF:

ANTHONY LEETE
through his attorney,
Robert M. N. Shaker
Attorney at Law
3626 Chamblee Tucker Road
Atlanta, Georgia 30341

01- R -1400

For damages alleged to have been sustained as a result of an
unlawful arrest on November 28, 2000 through February 26, 2001.

THIS ADVERSED REPORT IS
APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0411

Date: July 18, 2001

Claimant /Victim ANTHONY LEETE
BY: (Atty) (Ins. Co.) Robert M. N. Shaker, Esq.
Address: 3626 Chamblee Tucker Road, Suite B, Atlanta, Georgia 30341
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified
Date of Notice: 6/29/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 11/28/00 - 2/26/01 Place: Unspecified
Department POLICE Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained injuries when he was unlawfully harassed and arrested by police. However, the claimant has filed a lawsuit to settle the issues of his claim.

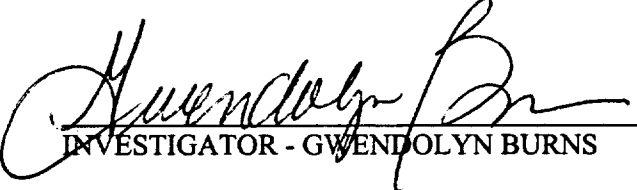
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

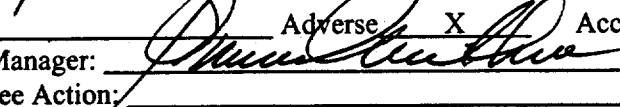
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 08-30-01
Committee Action: Council Action

LAW OFFICES OF ROBERT M.N. SHAKER, PC

3626 CHAMBLEE TUCKER ROAD
SUITE B
ATLANTA, GEORGIA 30341

(770) 723-0250
FAX (770) 723-0707

June 25, 2001

Atlanta City Police Department
675 Ponce de Leon Avenue, NE
9th Floor
Atlanta, Georgia 30308

ENTERED - 7-9-01 - SB
01L0411 - GWEN BURNS



RE: Ante Litem Notice of Anthony Leete

Dear Sir or Madam:

Please consider this correspondence as an initial *ante litem* notice to the Atlanta City Council and the Atlanta Police Department, pursuant to O.C.G.A. § 36-11-1 on behalf of my client, Mr. Anthony Leete. As described below, my client's claims arise pursuant to, *inter alia*, false arrest, battery, assault and numerous violations of his civil rights protected by both the United States Constitution and the Constitution of the State of Georgia, stemming from the unlawful pre-mature enforcement of the provisions of Atlanta City Ordinance § 162-251 *et seq.* In this light, please note the following:

1. The Atlanta City Council and the Atlanta Police Department, by and through the actions of employees of the Atlanta Police Department, are the entities whose acts and/or omissions form the basis of the aforementioned claims;
2. The unlawful actions of the aforesaid commenced during the period of November 28, 2000 through February 26, 2001 (the statutory compliance period established in § 162-268) and continue to this day. These actions stem from the unlawful harassment of my client and my client's unlawful arrest. Specifically, during this time period, Mr. Leete was subjected to numerous police actions including, but not limited to, having been arrested for ordinances which were not yet properly subject to enforcement. At this time we believe that this premature enforcement was intentional, and was part and parcel of a concerted effort between the Atlanta City Council and the Atlanta Police Department to harass and intimidate those involved in the business of vehicle immobilization services.
3. The aforementioned unlawful actions are in violation of, *inter alia*, 42 U.S.C. § 1983, as they clearly establish violations of my client's rights to be free from unlawful seizure/arrest in violation of the Fourth Amendment to the United States Constitution. Additionally, we believe these actions to be violative of Mr. Leete's substantive and procedural due process rights as guaranteed by the Fourteenth Amendment to the United States Constitution. Further, these actions are in violation of numerous laws of the State of Georgia, including, *inter alia*, false arrest, battery, assault and the intentional infliction of emotional distress.

Ante Litem Notice of Anthony Leete

June 25, 2001

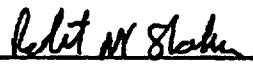
page 2 of 2

Upon litigation, my client intends to seek, *inter alia*, compensatory damages for the deprivation of his civil rights including, but not limited to, emotional distress, pain and suffering, and mental anguish. Further, my client will be seeking any and all other relief provided for under 42 U.S.C. §§ 1983 and 1988, including punitive damages and re-imbursement of any attorneys' fees he must expend in seeking appropriate redress. Additionally, my client will seek to recover all actual monies inappropriately seized by governmental entities through the pattern of harassment described above. Based upon the nature of the actions taken against my client, a precise amount of monetary compensation appropriate to him circumstances is impractical to state at this time.

This notice is to further advise you that we believe my client's causes of action lie against, *inter alia*, the Atlanta City Council and the Atlanta Police Department, as well as all individual persons involved in the incidents that give rise to these causes of action, in both their official and individual capacities. Additionally, this letter serves as notice that my client has pendant state law claims arising from these incidents including, but not limited to, assault, battery and the intentional infliction of emotional distress.

I hope all is well. If you believe this notice to be insufficient in any regard, please contact the undersigned at your earliest convenience.

Very truly yours,


Robert M.N. Shaker

cc: Atlanta City Council
Robb Pitts, President